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6                   UNITED STATES DISTRICT COURT  
7                   WESTERN DISTRICT OF WASHINGTON  
8                   AT SEATTLE

9                   MATTHEW SUND,

Case No. C18-595RSM

10                  Plaintiff,

ORDER TRANSFERRING VENUE

11                  v.

12                  COTTONWOOD HEIGHTS POLICE DEPT.,

13                  Defendant.

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15                  This matter comes before the Court *sua sponte* on a review of Plaintiff Matthew Sund's  
16 Application to proceed *in forma pauperis* and attached Proposed Complaint. *See* Dkt. #1-1.

17                  Under 28 U.S.C. § 1404, this Court has discretion to transfer this case in the interests of  
18 convenience and justice to another district in which venue would be proper. *See Jones v. GNC*  
19 *Franchising, Inc.*, 211 F.3d 495, 498 (9th Cir. 2000). Specifically, Section 1404(a) states:

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21                  For the convenience of parties and witnesses, in the interest of justice, a  
22                  district court may transfer any civil action to any other district or division  
23                  where it might have been brought or to any district or division to which all  
24                  parties have consented.

25                  28 U.S.C. § 1404(a). The purpose of this statute is to "prevent the waste of time, energy, and  
26                  money and to protect litigants, witnesses and the public against unnecessary inconvenience and  
27                  expense." *Pedigo Prods., Inc. v. Kimberly-Clark Worldwide, Inc.*, No. 3:12-CV-05502-BHS,  
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1 2013 U.S. Dist. LEXIS 12690, 2013 WL 364814, at \*2 (W.D. Wash. Jan. 30, 2013) (quoting  
2 *Van Dusen v. Barrack*, 376 U.S. 612, 616, 84 S. Ct. 805, 11 L. Ed. 2d 945 (1964)).

3 In the Ninth Circuit, district courts typically apply a nine-factor balancing test to  
4 determine whether to transfer a case under § 1404(a), examining: “(1) the location where the  
5 relevant agreements were negotiated and executed, (2) the state that is most familiar with the  
6 governing law, (3) the plaintiff’s choice of forum, (4) the respective parties’ contacts with the  
7 forum, (5) the contacts relating to the plaintiff’s cause of action in the chosen forum, (6) the  
8 differences in the costs of litigation in the two forums, (7) the availability of compulsory  
9 process to compel attendance of unwilling non-party witnesses, [] (8) the ease of access to  
10 sources of proof, and (9) the public policy considerations of the forum state.” *Jones*, 211 F.3d  
11 at 498-99.

12 Mr. Sund resides in Utah and brings this suit against a police department located in  
13 Utah. It is unclear why he filed suit in the Western District of Washington. All alleged events  
14 took place in Utah. *See* Dkt. #1-1. Based on the record before it, the Court is convinced that  
15 this case cannot proceed in this district, can only proceed in Utah, and that it would be most  
16 convenient to all parties involved and any potential witnesses for the case to proceed there.  
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18 Having reviewed the relevant pleadings, the declarations and exhibits attached thereto,  
19 and the remainder of the record, the Court hereby FINDS and ORDERS that this matter is  
20 hereby TRANSFERRED to the United States District Court for the District of Utah for all  
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1 further proceedings.  
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3 DATED this 9<sup>th</sup> day of May 2018.  
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7 RICARDO S. MARTINEZ  
8 CHIEF UNITED STATES DISTRICT JUDGE  
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